

June 9, 2023

Sheneetra Johnson The Planning and Zoning Resource Company 1300 South Meridian Avenue, Suite 400 Oklahoma City, OK 73108

Re: 23-482ZD, Zoning Determination: 120 Willowdale Drive (Tax ID 1102132753)

Dear Ms. Johnson;

In response to your letter dated May 11, 2023, Staff has prepared the following information:

The subject property (the "Property"), 120 Willowdale Drive (Tax ID 1102132753), is zoned is zoned High Density Residential (R20). Per Section 401, Table 401-1 of the Land Management Code (LMC), the R20 District is intended to provide for residences in an urban residential environment with a maximum density of 20 units per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.

The Property is not part of a Planned Neighborhood Development (PND) and is not subject to any overlay district regulations at this time. The use of the Property, multifamily residential development, is a permitted use by right in the R20 district. There are no variances, special permits, or conditions associated with the Property.

Our records indicate the Property was developed in 1982 under the 1980 Zoning Ordinance and permit FPC82-28, which allowed 228 units on 10.56 acres of property. The existing density on the Property is 21.5 units per acre, which is considered nonconforming to the existing zoning district density of 20 units per acre. Therefore, the potential for other nonconformities exists and would subject to the regulations of Section 902 of the LMC. Nonconforming structures are those which do not conform to the maximum density, yard, or height requirements of the LMC and may be continued so long as they remain otherwise lawful, provided that no such structure be modified so as to increase its nonconformity or to make it less suitable for a permitted use in that district.

Nonconforming features include improvements such as parking, landscaping, and other elements of the development that do not comply with the standards of Article 6 of the LMC. Once again, nonconforming features may be continued provided that no action is taken that increases the degree

or extent of the nonconforming feature and that any enlargement, extension or structural alteration must conform to all current requirements of the code.

In the event of a casualty, any building destroyed, damaged, or deteriorated by any means to the extent of 50 percent or more of its market value, or if relocated, must be constructed in conformance with the regulations in place at that time.

At this time, Staff is unaware of any regulatory or building code violations pending on the Property. A copy of a revised site plan (Case # STF13-386FSI) of the Property is attached.

If you have any further questions, please don't hesitate to contact me at (301) 600-4588 or skelly@cityoffrederickmd.gov.

The purpose of the service provided by the Zoning Administrator regarding determinations/interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plan and the Land Management Code for compliance.

This determination applies solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.

Sincerely,

Sherry Kelly AICP

City Planner

cc:

In Concurrence,

Joseph A. Adkins, AICP

Deputy Director for

Planning/Zoning

Administrator

Gabrielle Collard, Division Manager of Current Planning



#### The Planning & Zoning Resource Company

1300 South Meridian Avenue, Suite 400, Oklahoma City, OK 73108 Telephone (405) 840-4344 · Fax (405) 840-2608 Toll Free (800) 344-2944 Ext: 405-546-4353

Please fax to my direct fax number: 405-335-0261

To: Planning Department

Fax:

Email: zbadigital@cityoffrederickmd.gov

Date: 5/11/23

Subject:

Ref. Number 166200-1

RE: Willowdale Crossing, 150-A Willowdale Drive, Frederick, Maryland

Add'l Info: Tax ID 1102132753 and 1102120690

Taxmap: 0661 Grid 12 and 6

Parcel: 1756 and 1754

Lot 1

Attached is our request for property information on the above-mentioned property. Please copy it onto your letterhead, provide the requested information, sign and return to me via either my direct fax, shown above, or via email to: sheneetra.johnson@pzr.com

It is my understanding that there will be be fees associated with this request. Please be advised that the total fees are not to exceed \$200.00 without my approval. If you should expect the fees to exceed this amount, please notify me as soon as possible. Furthermore, any additional costs associated with this request must be approved, in writing, prior to their incurrence.

Thank you in advance for your time and consideration on the above matter. If there are any questions you are unable to answer please let me know who I should contact. If you have any questions or concerns, do not hesitate to contact me at the toll free number 800 344-2944, extension 405-546-4463. You may also reach me by email at: <a href="mailto:sheneetra.johnson@pzr.com">sheneetra.johnson@pzr.com</a>

Sincerely, Sheneetra Johnson

#### (PLEASE COPY ONTO YOUR LETTERHEAD)

# The Planning & Zoning Resource Company 1300 South Meridian Avenue, Suite 400 Oklahoma City, OK 73108

5/11/2023							
ATTN:	Sheneetra Johnson						
Ref. No.	166200-1						
RE:	Willowdale Crossing, 150-A Willowdale Drive, Frederick, Maryland						
Add'l Info.	Tax ID 1102132753 and 1102120690						
Taxmap: 06	361						
Grid 12 and	16						
Parcel: 175	66 and 1754						
Lot 1							
The curren	t zoning classification for the subject property is:						
Is the subj	ect property part of a Planned Unit Development?						
	Yes, part of a PUD (See comment)						
	No, not part of a PUD						
Comment:							
Is the subj	ect property part of an Overlay District?						
	Yes, within an Overlay District						
	No, not within an Overlay District						
Comment:							
The subject	ct property is currently regulated by:						
	Section of the Zoning Ordinance						
	Planned Unit Development Ordinance No. (copy attached)						
	Site Plan Approval Case No. (copy of plan and case attached)						
Comment:							
According	to the zoning ordinances and regulations for this district, the use of the subject property is a:						
	Permitted Use by Right						
	Permitted Use by Special/Specific Use Permit						
	Copy Attached						
	Copy Not Available (see comment)						
	Legal Non-Conforming Use (no longer permitted by right due to amendments, re-zoning, variance granted or other changes. See comments)						
	Non-Permitted Use						
Comment:							

The subject	ct structure(s) was developed:							
	In accordance with Current Zoning Code Requirements and is							
	Legal Conforming							
	Non-Conforming (see comments)  In accordance with Previous Zoning Code Requirements (amendments, rezoning, variance granted) and is Legal Non-Conforming to current zoning requirements							
	Prior to the adoption of the Zoning Code and is							
	Grandfathered/Legal Non-conforming to current zoning requirements.							
	In accordance with Approved Site Plan and is Legal Conforming to approved site plan. If any nonconforming issues exist with respect to current zoning requirement; the subject property would be considered legal nonconforming.							
Comment:								
Informatio	n regarding variances, special permits/exceptions, ordinances or conditions:							
	There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the subject property							
	The following apply to the subject property (see comments):							
	Variance - Documentation attached or is otherwise, no longer available (see comment)							
	Special Permit/Exception Documentation attached or is otherwise, no longer available (see comment)							
	Ordinance Documentation attached or is otherwise, no longer available (see comment)							
	Conditions Documentation attached or is otherwise, no longer available (see comment)							
Comment:								
Rebuild: Ir	n the event of casualty, in whole or in part, the structure located on the subject property:							
	May be rebuilt in the current form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable.							
	May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or							
	requirements.Please see section of the current zoning code/ordinance for details.							
Comment:								
To the bes	st of your knowledge, do your records show any unresolved zoning code violations?							
	es, there are open violations on file in our records. (See attached list and/or copies/cases)							
□ No	o, there are no open violations on file in our records.							
*Please	note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made							
To the bes	st of your knowledge, do your records show any unresolved building code violations and/or complaints?							
□ Ye	es, there are open violations on file in our records. (See attached list and/or copies/cases)							
□ No	o, there are no open violations on file in our records.							
*Please	note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made							

Site Plan I	nformation:								
	The subject property was not subject to a site plan approval process.								
	The subject property was subject to site plan approval: a copy of the approved site plan is attached.								
	opy of the approved site plan is no longer in applicable to site plan approval for the site are								
	An approved site plan for the subject property is on file, but our office does not have the necessary resources to reproduce and distribute copies of the plan. All other existing documents applicable to site plan approval are attached if available.								
	Other, (as noted here)	:							
Please call	the undersigned at	, extensio	n	if you have questions or concerns.					
Sincerely:	_			-					
Name:			Department:						
Title:			Email:						

Randy McClement Mayor



Aldermen

Kelly M. Russell President Pro Tem

Michael C. O'Connor Philip Dacey Joshua Bokee Donna Kuzemchak

July 14, 2016

The Planning & Zoning Resource Company C/O Christy McKenzie 1300 South Meridian Avenue Suite 400 Oklahoma City, OK 73108

Re: Zoning Determination 16-489ZD: 160 Willowdale Drive

Dear Ms. McKenzie:

In response to your letter dated June 13, 2016, Staff has prepared the following information:

- Under the current zoning map, the subject property is zoned High Density Residential (R16). The R16 District is intended to provide for residences in an urban residential environment with a maximum density of 16 units per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.
- The property to the west is also zoned R16, the property to the north and east is zoned R8, and property to the south is zoned PRK for parkland.
- The property is not part of a Planned Neighborhood Development (PND).
- The property is not subject to any overlay district regulations at this time.
- Our records indicate the property was developed in 1979 under the 1977 Zoning Ordinance. The Land Management Code (LMC) was adopted in 2015 as the governing land use regulations in the City and as such, the potential for nonconformities exist.
  - Nonconforming structures are those which do not conform to the maximum density, yard or height requirements of the LMC and may be continued so long as they remains otherwise lawful, provided that no such structure be modified so as to increase its nonconformity or to make it less suitable for a permitted use in that district.
  - o Nonconforming features include improvements such as parking, landscaping and other elements of the development that do not comply

Randy McClement Mayor



Aldermen

Kelly M. Russell President Pro Tem

Michael C. O'Connor Philip Dacey Joshua Bokee Donna Kuzemchak

July 14, 2016

The Planning & Zoning Resource Company C/O Christy McKenzie 1300 South Meridian Avenue Suite 400 Oklahoma City, OK 73108

Re: Zoning Determination 16-488ZD: 120-156 Willowdale Drive

Dear Ms. McKenzie:

In response to your letter dated June 13, 2016, Staff has prepared the following information:

- Under the current zoning map, the subject property is zoned High Density Residential (R20). The R20 District is intended to provide for residences in an urban residential environment with a maximum density of 20 units per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.
- The property to the west is also zoned R20, the property to the north and east is zoned PRK for parkland, and the property to the south is zoned GC for general commercial.
- The property was originally developed under FPC82-28, approved in 1982.
- The property is not part of a Planned Neighborhood Development (PND).
- The property is not subject to any overlay district regulations at this time.
- The use of the subject property, multifamily residential development, is a permitted use by right in the R20 district.
- No variances, special permits, or construction permits for the subject property have been identified.
- Our records indicate the property was developed in 1982 under the 1980 Zoning Ordinance and permit FPC82-28, which allowed 228 units on 10.56 acres of property. The existing density on the property is 21.5 units per acre, nonconforming to the existing zoning district density of 20 units per acre. The



Commercial Real Estate
Due Diligence Management
3465 S. Arlington Road, Suite E183
Akron, OH 44312
866.290.8121
www.amnational.net

# ALTA/NSPS Land Title Survey

# Willowdale Crossing Surveyor Certification

150-A Willowdale Drive Frederick, MD 21702 County of Frederick

To: Fannie Mae and/or Berkeley Point Capital LLC, a Delaware limited liability company, their successors and/or assigns as their interests may appear; Willowdale Apartments, LLC, a Delaware limited liability company; World Wide Land Transfer, as agent for Stewart Title Guaranty Company and American National,

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 13, 14, 16, 17, 18, 20 of Table A thereof.

The fieldwork was completed on August 3, 2016

Jack W. Schemaker
Professional Many Work
In Stotly of Many Work
Date of Fig. 1 and Wop: August 9, 2016
Date of this Printing: September 12, 2016
Network reference # 20160613-1

# Survey Prepared By: first Order, UC

4383 Hecktown Road, Suite B Bethlehem,PA 18020 Phone (610) 365—2907 Fax (610) 365—2958 jshoemaker@firstorderllc.net Project No. 4671

# Notes Corresponding to Schedule B

Title Report prepared by Stewart Title Guaranty Company, Commitment No. WW-1043-MD-SALE, dated May 31 2016

- Non-Specific Drainage and Storm Water Management Easements to benefit Parcel P, "Utility and Access Rights Reserved between Parcels P and Q. 10' Wide Landscaping Easements, covenants, conditions, restrictions, easements, rights of way, building restriction lines an other matters, if any, pursuant to Owner's

  Dedication shown and/or noted on Plat Book 27, Folio 24. —PLOTTED ON SURVEY.
- Corrective Deed and Easement recorded in Liber 889 at Folio 611, and as shown on plans recorded in Plat Book 8 at Plat 88 and in Plat Book 27 at Plat 24.

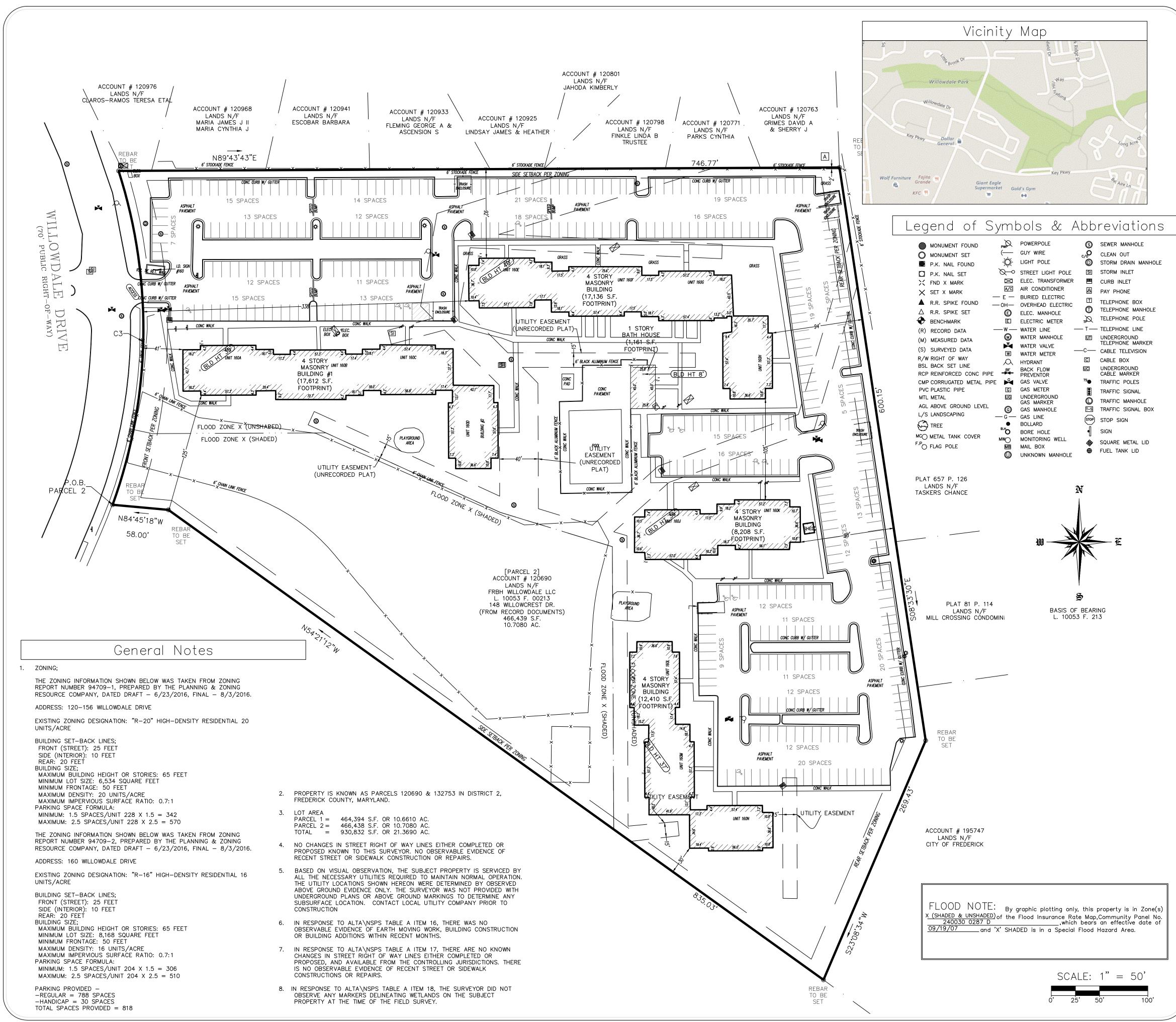
  —PLOTTED ON SURVEY.
- Right of Way to Potomac Edison Company recorded in Liber 500 at Folio 27; -NOT PLOTTED ON SURVEY. THE LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT. Liber 621 at Folio 554 -NOT PLOTTED ON SURVEY. THE LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT. and in Liber 979 at Folio 434. -NOT PLOTTED ON SURVEY. BLANKET IN NATURE.
- (13.) Under and subject to conditions as shown on Plat Book 27 at Folio 24 and Plat Book 8 at Folio 99; PLOTTED ON SURVEY.
- (14.) Agreement as in Liber 9872 at Folio 24. -NOT PLOTTED ON SURVEY. BLANKET IN NATURE.
- (15.) Right of Way Agreement as in Liber 1083 at Folio 683. —NOT PLOTTED ON SURVEY. BLANKET IN NATURE.
- (16.) Easement as in Liber 806 at Folio 444. —NOT PLOTTED ON SURVEY. IT IS NOT ON OR DOES NOT TOUCH THE SUBJECT PROPERTY.
- Agreement as in Liber 902 at Folio 242. -NOT PLOTTED ON SURVEY. PLAT NOT ATTACHED TO RECORD DOCUMENT. SURVEYOR WAS UNABLE TO LOCATE DOCUMENT.
- (18.) Easement as in Liber 870 at Folio 109 -NOT PLOTTED ON SURVEY. THE LOCATION COULD NOT BE RECORDED FROM THE RECORD DOCUMENT.
- (19.) Right of Way granted to The State of Maryland to the Use of The State Road Commission of Maryland as in Liber 764 at folio 477. —DOES NOT AFFECT SUBJECT PROPERTY.
- (20.) Matters depicted on or disclosed by that certain survey prepared by Russell E. Townsley, Registered Property Line Surveyor Maryland No. 10812. (02—120690)

   NOT PLOTTED ON SURVEY. NOTHING DISCLOSED ON SURVEY.
- 21.) Matters depicted on or disclosed by that certain survey prepared by Steven W. Jones, Professional Surveyor Maryland No. 210722. (02—132753) NOT PLOTTED ON SURVEY. NOTHING DISCLOSED ON SURVEY.

CURVE TABLE								
CURVE #	RADIUS	LENGTH	CH. BRG.	CH. DIST.	DELTA			
C1	530.00	156.47	N53°14'48"W	155.90	016°54'54"			
C2	30.00	47.12	N21°54'36"W	42.42	089°59'33"			
С3	535.00	352.10	N01°01'07"E	345.78	037°42'29"			

# Encroachment Statement

A FENCE CROSSES BOUNDARY LINE BY UP TO 2 FT.



American **National** \*\*\*\*

Commercial Real Estate Due Diligence Management 3465 S. Arlington Road, Suite E183 Akron, OH 44312 866.290.8121

# Legal Description

www.amnational.net

ALL THAT PIECE of land situate, lying and being in the State of Maryland, and being more particularly described as follows:

Parcel "Q", containing 10.65248 acres, more or less, as set forth on a plat entitled "Parcel O, P and Q, WINDSOR GARDENS", which plat is recorded March 24, 1983 among the Plat Records of Frederick County, Maryland in Plat Book 27 at folio 24.

For Information Only: Tax ID No. 02–132753

AND

Parcel 2:

Date of Intime Map: August 9, 2016
Date of last revision: September 12, 2016
Date of this Printing: September 12, 2016
Network reference # 20160613-1

Survey Prepared By:

first Order, IlC

Phone (610) 365-2907

Fax (610) 365-2958 jshoemaker@firstorderllc.net

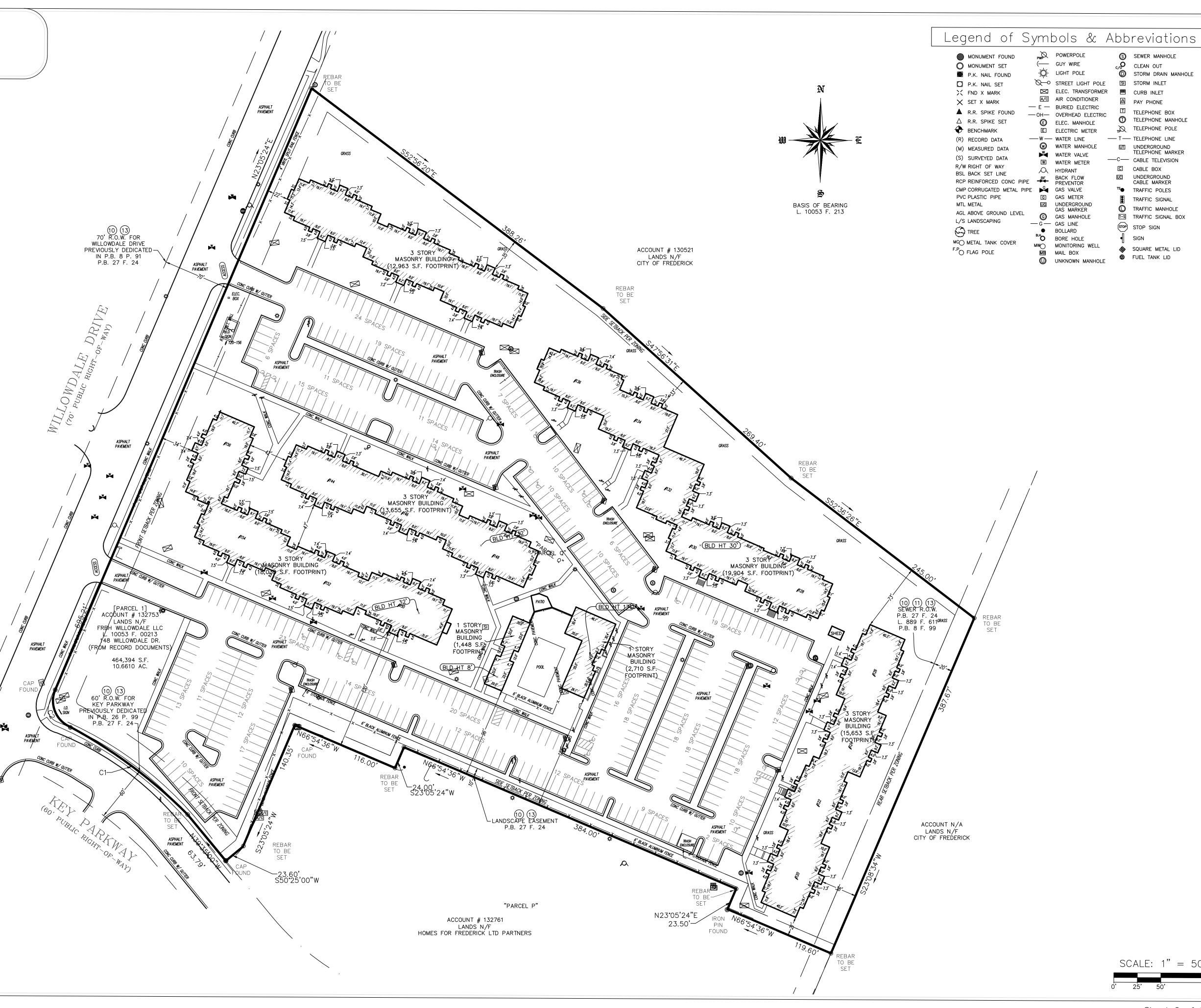
Project No. 4671

4383 Hecktown Road, Suite B Bethlehem,PA 18020

Beginning at a point on the easterly right of way line of Willowdale Drive (70 feet wide), an arc distance of 30.11 feet north of the end of the North 23 degrees 05' 49" East, 1235.56 feet line, as shown on a plat of subdivision entitled "PART OF KOEPENICK PROPERTY" and recorded among the Land Records of Frederick County, Maryland at Liber 8 folio 99. Thence running along the aforesaid right of way line of Willowdale Drive, adjusted to Maryland State Grid, the following courses and distances: the first being a curve to the left having a radius of 535.00 feet and a chord bearing and distance of

- 1. North 01 degrees 01' 07" East 345.78 feet, thence
- 2. North 89 degrees 43' 43" East 746.77 feet to an iron pipe, thence 3. South 08 degrees 33' 30" East 600.15 feet to an iron pipe, thence
- 4. South 23 degrees 08' 34" West 269.43 feet to a point, thence
- 5. North 54 degrees 21' 12" West 835.03 feet to a point, thence 6. North 84 degrees 45' 18" West 58.00 feet to the point of beginning.
- Containing 10.7079 acres of land. For Information Only: Tax ID No. 02-120690

Being the same tract of land described in a Title Report prepared by Stewart Title Guaranty Company, Commitment No. WW—1043—MD—SALE, dated May 31, 2016



SCALE: 1" = 50'

S SEWER MANHOLE

STORM DRAIN MANHOLE

CLEAN OUT

SI STORM INLET

CURB INLET

A PAY PHONE

TELEPHONE BOX

TELEPHONE POLE

団 UNDERGROUND TELEPHONE MARKER

--- T--- TELEPHONE LINE

——C— CABLE TELEVISION

UC UNDERGROUND CABLE MARKER

TRAFFIC POLES

TRAFFIC SIGNAL

TRAFFIC MANHOLE

STOP SIGN

SIGN

T-S TRAFFIC SIGNAL BOX

SQUARE METAL LID

S FUEL TANK LID

C CABLE BOX

TELEPHONE MANHOLE